

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TINA BARNETT,
Plaintiff,

v.

LOWES HOME CENTERS, LLC,
Defendants.

CIVIL ACTION

NO. 18-2064

ORDER

AND NOW, this 4th day of March, 2019, upon consideration of Defendant's Motion for Summary Judgment and support thereof (ECF Nos. 30 & 35), and Plaintiff's opposition thereto (ECF Nos. 33 & 39), **IT IS HEREBY ORDERED** that Defendant's Motion is **GRANTED IN PART AND DENIED IN PART**, as follows:

1. Defendant's Motion for Summary Judgment as to the disparate treatment and hostile work environment claims in Count I and Count II of Plaintiff's Amended Complaint is **GRANTED**. The disparate treatment and hostile work environment claims in Count I and Count II of Plaintiff's Amended Complaint are **DISMISSED**;
2. Defendant's Motion for Summary Judgment as to the retaliation claims based on the 2014 Incident in Count I and Count II of Plaintiff's Amended Complaint is **GRANTED**. The retaliation claims based on the 2014 Incident in Count I and Count II of Plaintiff's Amended Complaint are **DISMISSED**;
3. Defendant's Motion for Summary Judgment as to the retaliation claim based on the 2015 Incident in Count I of Plaintiff's Amended Complaint is **DENIED**;
4. Defendant's Motion for Summary Judgment as to the retaliation claim based on the 2015 Incident in Count II of Plaintiff's Amended Complaint is **GRANTED**. The retaliation claim based on the 2015 Incident in Count II of Plaintiff's Amended Complaint is **DISMISSED**;

5. Defendant's Motion for Summary Judgment as to the retaliation claims based on the 2017 Complaint in Count I and Count II of Plaintiff's Amended Complaint are **DENIED**;
6. Defendant's Motion for Summary Judgment as to the claims in Count III (Family and Medical Leave Act) and Count IV (Americans with Disabilities Act) of Plaintiff's Amended Complaint is **GRANTED**. The claims in Count III and Count IV of Plaintiff's Amended Complaint are **DISMISSED**.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.